

REMARKS

This amendment is responsive to the Office Action of September 3, 2009, and is concurrently filed with a Request for Continued Examination (RCE).

Claims 2, 4-13, 15-16 are pending in the application. Claims 4,11 have been amended. No claims have been canceled or added. No amendment to the specification has been made.

Record is also made of a telephone interview between applicant's representative and the Examiner which took place on December 8, 2009. The Examiner is thanked for his help and assistance as well as for the courtesies extended to Counsel at that time. During the course of the interview, the present application was extensively discussed in light of the final rejection of sole independent claim 4. More specifically, applicant's representative pointed out that the prior art of record fails to teach or suggest the presence of a barrier in close proximity of the wheel set shaft to protect the wheel set shaft.

The Examiner agreed that the subject matter of claim 4 appears to be distinguishable over the prior art of record; however, an updated search is needed to make a final determination about patentability of claim 4.

As a result of the interview, applicant now submits amendments to claim 4, which are drawn up in accordance with the agreement at the interview. In addition, claim 11 has been amended to correct a minor clerical error.

In view of the above, each of the presently pending claims in this application is considered patentably differentiated over the prior art of record and believed to be in immediate conditions for allowance. Reconsideration and allowance of the present application are thus respectfully requested.

Should the Examiner consider necessary or desirable any formal changes anywhere in the specification, claims and/or drawing, then it is respectfully requested that such changes be made by Examiner's Amendment, if the Examiner feels this would facilitate passage of the case to issuance. If the Examiner feels that it might be

helpful in advancing this case by calling the undersigned, applicant would greatly appreciate such a telephone interview.

Respectfully submitted,

By: 

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